

STATE OF MICHIGAN  
COURT OF APPEALS

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UNPUBLISHED

March 17, 2011

In the Matter of A. U. LORD, Minor.

No. 300018  
Wayne Circuit Court  
Family Division  
LC No. 08-478463

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Before: WILDER, P.J., and SAAD and DONOFRIO, JJ.

PER CURIAM.

Respondent appeals as of right the order of the trial court terminating her parental rights to her minor child pursuant to MCL 712A.19b(3)(c)(i) (conditions that led to the adjudication continue to exist), (c)(ii) (other conditions have caused the child to come within the court's jurisdiction), and (g) (failure to provide proper care or custody). Because termination of respondent's parental rights was in the best interests of the child, and the trial court did not clearly err in terminating respondent's parental rights, we affirm.

We reject respondent's contention that the trial court clearly erred by finding that termination of her parental rights was in the best interests of the child. Once the petitioner has established a statutory ground for termination by clear and convincing evidence, the trial court is required to affirmatively find that termination is in a child's best interests before ordering termination. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 354, 356-357; 612 NW2d 407 (2000). We review the trial court's best interests determination for clear error. MCR 3.977(K).

In this case, the trial court properly found that termination of respondent's parental rights was in the child's best interests. Respondent first argues that she was in substantial compliance with her treatment plan for an extended period of time. Respondent's assertion is unsupported by the record because respondent never adequately addressed her substance abuse problem. After completing two substance abuse programs in 2008, respondent relapsed and tested positive for cocaine in February 2009. In May 2009, respondent enrolled in a residential substance abuse program. Subsequently, in January 2010, she tested positive for alcohol. Respondent relapsed again in February 2010, twice testing positive for cocaine and for prescription medication. After respondent was released from jail where she was serving time in March 2010 for violating probation by using drugs, she tested positive for cocaine in April 2010. She denied using cocaine at that time, and failed to submit several drug screens in April 2010. Respondent also tested positive for alcohol on June 11, 2010 and failed to submit several drug screens in June and July 2010. Most recently, respondent entered and dropped out of drug treatment in July 2010. Respondent denied her drug and alcohol use despite many positive or missed drug screens.

Respondent has not demonstrated a desire to put her child's needs first as evidenced by her inability to refrain from using illegal drugs. It is in the child's best interests to be with a caregiver who can prioritize her care and well being over substance use. Respondent's substance abuse problems will require a great deal of treatment and will not improve in a short period of time. There is no evidence that respondent has taken appropriate steps to address her substance abuse issues.

Moreover, by the time of the permanent custody hearing, respondent did not have a legal source of income. She had nearly exhausted her unemployment income benefits and her house was at risk of foreclosure. Her unemployment income did not provide enough money for her to purchase her house on land contract, as she had planned.

Respondent further argues that she and her daughter are strongly bonded to one another. Although visits between respondent and the child went well and there was a bond between them, the lack of permanency was having a negative effect on the child. The child expressed confusion about her home and her family situation. She was emotional when respondent missed visits and had temper tantrums after visits. Any bond between respondent and the child was not more important than the child's need for permanency and stability in a safe, drug free home environment.

Finally, respondent argues that the paternal grandparents' willingness to adopt their granddaughter is not an appropriate factor in analyzing the child's best interests. There is no evidence that the trial court compared the grandparents to respondent or considered them as prospective adoptive parents in making its decision to terminate respondent's parental rights. Thus, respondent's argument does not undermine the trial court's best interests findings.

Affirmed.

/s/ Kurtis T. Wilder  
/s/ Henry William Saad  
/s/ Pat M. Donofrio